

(2) Licensees shall submit to the Commission a yearly report indicating the number of earth stations actually brought into service under its blanket licensing authority. The annual report is due to the Commission no later than the first day of April of each year and shall indicate the deployment figures for the preceding calendar year.

(h) *Policy governing the relocation of terrestrial services from the 18.58 to 19.3 GHz band.* Frequencies in the 18.58–19.3 GHz band listed in parts 21, 74, 78, and 101 of this chapter have been reallocated for primary use by the Fixed-Satellite Service, subject to various provisions for the existing terrestrial licenses. In accordance with procedures specified in §§101.85 through 101.97 of this chapter, Fixed-Satellite Service licensees are required to relocate the existing co-primary terrestrial licensees in these bands if interference to those operations would occur during the period that the terrestrial stations remain co-primary and the terrestrial antenna is pointing within 2 degrees of the GSO satellite. Additionally, Fixed-Satellite Service operations are not entitled to protection from the co-primary operations until after that period has expired. (see §§21.901(e), 74.502(c), 74.602(g), 78.18(a)(4), and 101.147(r) of this chapter.

(i) *Protection of fixed services receivers in the 18.3–19.3 GHz band.* For purposes of this section, FSS space stations operating in accordance with the power flux-density limits of §25.208 are considered not to cause unacceptable interference to fixed service receivers that are pointed more than 2 degrees from the FSS space station.

(1) *18.3–18.58 GHz.* FSS space stations transmitting in the 18.3–18.58 GHz band may not cause unacceptable interference to fixed service receive stations that were licensed or for which an application was pending prior to June 8, 2000.

(2) *18.58–18.8 GHz.* FSS space stations transmitting in the 18.58–18.8 GHz band may not cause unacceptable interference to fixed service receive stations that were licensed or for which an application was pending prior to September 18, 1998. After June 8, 2010, such fixed station receivers are no longer afforded protection from FSS space sta-

tions operating in accordance with §25.208 and the fixed station transmitters shall not cause harmful interference to the GSO FSS receiving earth stations.

(3) *18.8–19.3 GHz.* FSS space stations transmitting in the 18.8–19.3 GHz band may not cause unacceptable interference to fixed service receive stations that were licensed or for which an application was pending prior to June 8, 2000. After June 8, 2010, such fixed station receivers (except those operating in 19.26–19.3 GHz) are no longer afforded protection from FSS space stations operating in accordance with §25.208.

[62 FR 61456, Nov. 18, 1997, as amended at 65 FR 54171, Sept. 7, 2000]

EFFECTIVE DATE NOTE: At 65 FR 54171, Sept. 7, 2000, §25.145 was amended by redesignating paragraphs (g) introductory text, (g)(1), (g)(2), and (g)(3) as paragraphs (g)(1) introductory text, (g)(1)(i), (g)(1)(ii), and (g)(1)(iii), respectively, and by adding paragraphs (g)(2), (h), and (i), effective Oct. 10, 2000.

PROCESSING OF APPLICATIONS

§ 25.150 Receipt of applications.

Applications received by the Commission are given a file number and (domestic only) a unique station identifier for administrative convenience. Neither the assignment of a file number and/or other identifier nor the listing of the application on public notice as received for filing indicates that the application has been found acceptable for filing or precludes the subsequent return or dismissal of the application if it is found to be defective or not in accordance with the Commission's rules.

§ 25.151 Public notice period.

(a) At regular intervals, the Commission will issue public notices listing:

(1) The receipt of applications for new station authorizations;

(2) The receipt of applications for license or registration of receive-only earth stations;

(3) The receipt of applications for major modifications to station authorizations;

(4) The receipt of major amendments to pending applications;

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(5) The receipt of applications to assign or transfer control of space station facilities, transmitting earth station facilities, or international receive-only earth station facilities;

(6) Significant Commission actions regarding applications;

(7) Information which the Commission in its discretion believes to be of public significance; and

(8) Special environmental considerations as required by part 1 of this chapter.

(b) Special public notices may also be issued at other times under special circumstances involving non-routine matters where speed is of the essence and efficiency of Commission process will be served thereby.

(c) A public notice will not normally be issued for receipt of any of the following applications:

(1) For authorization of a minor technical change in the facilities of an authorized station;

(2) For temporary authorization pursuant to § 25.119;

(3) For an authorization under any of the proviso clauses of section 308(a) of the Communications Act of 1934, as amended [47 U.S.C. 308(a)];

(4) For consent to an involuntary assignment or transfer of control of a transmitting earth station authorization; or

(5) For consent to an assignment or transfer of control of a space station authorization or a transmitting earth station authorization, where the assignment or transfer does not involve a substantial change in ownership or control; or

(6) For change in location of an earth station operating in the 4/6 GHz and 10.95–11.7 GHz bands by no more than 1° in latitude and/or longitude and for change in location of an earth station operating in the 12/14 GHz bands by no more than 10° in latitude and/or longitude.

(d) No application that has appeared on public notice will be granted until the expiration of a period of thirty days following the issuance of the public notice listing the application, or any major amendment thereto. Any comments or petitions must be deliv-

ered to the Commission by that date in accordance with § 25.154.

[56 FR 24016, May 28, 1991, as amended at 58 FR 68061, Dec. 23, 1993]

§ 25.152 Dismissal and return of applications.

(a) Any application may be dismissed without prejudice as a matter of right if the applicant requests its dismissal prior to final Commission action.

(b) The Commission will dismiss an application for failure to prosecute or for failure to respond substantially within a specified time period to official correspondence or requests for additional information. Dismissal will be without prejudice unless the application is mutually exclusive pursuant to § 25.155, in which case it will be dismissed with prejudice.

§ 25.153 Repetitious applications.

(a) Where an application has been denied or dismissed with prejudice, the Commission will not consider a like application involving service of the same kind to the same area by the same applicant, or by its successor or assignee, or on behalf of or for the benefit of any of the original parties in interest, until after the lapse of 12 months from the effective date of the Commission's action. The Commission may, for good cause shown, waive the requirements of this section.

(b) Where an appeal has been taken from the action of the Commission denying a particular application, another application for the same class of station and for the same area, in whole or in part, filed by the same applicant or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, will not be considered until the final disposition of the appeal.

§ 25.154 Opposition to applications and other pleadings.

(a) Petitions to deny, petitions for other forms of relief, and other objections or comments must:

(1) Identify the application or applications (including applicant's name, station location, Commission file numbers, and radio service involved) with which it is concerned;